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| 09/560,006 | 04/27/2000 | John Raymond Nicol | 99-838CIP 1 | 2711 |

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EXAMINER

NGUYEN, MAIKHANH

ART UNIT PAPER NUMBER

2176

DATE MAILED: 10/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/560,006

Applicant(s)

NICOL ET AL.

Examiner

Maikhanh Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-10,12-28,30-36,38-49 and 51-56 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12,38,55 and 56 is/are allowed.
- 6) ☒ Claim(s) 1,2,4-10,13-28,30-36,39-49 and 51-54 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to communications: Amendment filed 08/05/2005 to the original application filed 04/27/2000.
2. Claims 1-2, 4-10, 12-28, 30-36, 38-49, and 51-56 are currently pending in this application. Claims 3, 11, 29, 37, and 50 have been cancelled. Claims 1, 17, 25, 27, 43, 51, 53 have been amended. Claims 12, 38, and 55-56 have been allowed. Claims 1, 17, 25, 27, 43, 51, 53, and 55-56 are independent claims.
3. The rejection of claims 27-28, 30-36, 39-49, and 51-54 under 35 U.S.C. 101 has been withdrawn as necessitated by amendment.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1-2, 4-10, 13-28, 30-36, 39-49, and 51-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Contois** (U.S. 5,864,868 – filed 02/1996) in view of **Yang et al.** (U.S. 6,301,586 – filed 10/06/1997).

Independent claim 25

- a. Contois teaches a method executed in a computer system (*e.g., a computer interface; col.4, lines 37-61*) for selecting a multimedia presentation (*e.g., providing a user access to media pieces stored in a media database ... display only music that relates to a selected category; col.4, lines 37-61*) comprising:
- (i) providing a plurality of multimedia presentations in accordance with predetermined criteria (*Fig.8 and the accompanying text beginning at col.12, line 39*);
 - (ii) presenting the one or more multimedia data items using a browser to select a multimedia presentation, the one or more multimedia items being presented separately from the plurality of multimedia presentations (*e.g., once a song title is selected to be played upon the player piano, the graphic window will display a picture of something associated with the selected piece of music ...view a complete list of all of the movie categories ... allow the user to find a movie video for viewing; col. 12, lines 13-67*);
 - (iii) controlling direction of the presenting of the one or more multimedia data items viewed (*e.g., four media playing device control buttons ...play*

button ...rewind button ...pause button ...stop button; col.10, line 66 – col.11, line 29); and

(iv) selecting a first of the one or more multimedia data items associated with the multimedia presentation (*e.g., highlights the selected item on the display; col.10, lines 7-20 / selecting either single or multiple items; col.12, lines 13-67*).

- b. Contois, however, does not specifically teach “controlling speed” and “the one or more multimedia data items being a duplicate of only a portion of a corresponding one of the plurality of multimedia presentations, wherein each corresponding multimedia presentation includes additional portions that differ from and do not include the portion duplicated by the each of the one or more multimedia items.”
- c. Yang teaches controlling speed (*col.14, lines 30-52*) and the one or more multimedia data items being a duplicate of only a portion of a corresponding one of the plurality of multimedia presentations, wherein each corresponding multimedia presentation includes additional portions that differ from and do not include the portion duplicated by the each of the one or more multimedia items (*see the MOMA discussion beginning at col.5, line 42*).
- d. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Yang with Contois because Yang’s teachings would have provided the capability for managing multimedia objects such as text, images, sound, and video clips.

Claim 26

Contois teaches transferring control to machine executable code associated with a first of the subset of multimedia presentations having the first multimedia data item as an index (*col.13, lines 42-50*).

Independent claim 1

The rejection of independent claim 25 above is incorporated herein in full. Additionally, Contois further teaches transferring control to machine executable code associated with a first of the subset of multimedia presentations having the first multimedia data item (*e.g., the application of the software to control ... software interface could be used ...to select what media to be played from a vast media data base; col.13, lines 42-50*).

Claim 2

Contois teaches presenting the first multimedia presentation by executing the machine executable code (*e.g. the application of the software to control ... software interface could be used ...to select what media to be played from a vast media data base; col.13, lines 42-50*).

Claim 4

Contois teaches the first multimedia presentation is a video for video-on-demand selection (*col.12, lines 38-67*).

Claim 5

Contois teaches the first multimedia presentation is a speaker presentation using a plurality of media streams and a first of the plurality of media streams includes the first multimedia data item (*Fig.6*).

Claim 6

Contois teaches the first multimedia data item is a miniature viewgraph indexing into other media streams that include an audio file, an image file of speaker notes, and a video file of a speaker giving a presentation (*Fig. 6*).

Claim 7

Contois teaches presenting a hierarchical description of the information in an outline area; and presenting the one or more multimedia data items in a presentation area, the hierarchical description being synchronized with a first temporal arrangement of the one or more multimedia data items in the presentation area (*Figs 2-4*).

Claim 8

- a. Contois teaches controlling direction of the one or more multimedia data items presented by stacking and unstacking successively presented multimedia data items in the presentation area (*Figs. 2-4*), but does not teach “controlling speed”.
- b. Refer to discussion of claim 25 for rejection of “controlling speed”.

Claim 9

Contois teaches the multimedia data items are presented in the presentation area using a scrolling technique in which successive images are presented along a two-dimensional axis, and the method further includes presented by controlling the direction and speed at which the one or more multimedia data items are presented along the two-dimensional axis (*col.12, lines 23-49*).

Claim 10

Contois teaches the multimedia data items are presented in the presentation area using a three-dimensional presentation technique in which the multimedia data items are presented with a three-dimensional perspective with regard to a display viewpoint at a particular time (*col.12, lines 13-59*).

Claim 13

Contois teaches each of the multimedia presentations includes at least two media streams, a first media stream being used and index into the second media stream, wherein the first and second media streams are different (*Figs. 2-4*).

Claim 14

Contois teaches the second media stream is an audio stream and the first media stream is an image-based medium (*Fig.6*).

Claim 15

Contois teaches each of the first and second media streams are the same (*Fig.6*).

Claim 16

Contois teaches producing a database of indices, each of the indices being a multimedia data item (*col.9, lines 21-51*).

Independent claim 17

The rejection of independent claim 25 above is incorporated herein in full. Additionally, Contois further teaches:

- (i) providing a multimedia presentation having a first media stream and second media stream (*Figs. 2-3*);

- (ii) storing information about the one or more indices in a database (*e.g. information that is stored in a database; col.9, lines 7-29*); and
- (iii) invoking a software program for presenting the multimedia presentation associated with the first multimedia data item (*e.g. software interface ...media device where a user need to select what media item; col.13, lines 42-50 & Figs. 7-8*).

Claim 18

Contois teaches the software program is a video on demand application, the first multimedia object is a video key frame, and the multimedia presentation includes a video media stream and an audio media stream (*col.13, lines 51-57*).

Claim 19

Contois teaches the first media stream is the video media stream and the second media stream is the audio media stream (*Abstract*).

Claim 20

Contois teaches the multimedia presentation includes a viewgraph stream, a video stream, an audio stream, and a text stream (*col.12, lines 13-67*).

Claim 21

Contois teaches the viewgraph stream is the first media stream having a portion used as an index into the video stream, the audio stream and the text stream (*Fig.6*).

Claim 22

Contois teaches the text stream includes speaker notes, the video stream includes images of a speaker, the audio stream includes voice recordings of the speaker, and the viewgraph stream includes speaker slides (*Fig.6*).

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Claim 23

Contois teaches a portion of the viewgraphs are used to uniquely differentiate portions of a presentation by the speaker, the viewgraphs being used to synchronize and index into the other media streams (*Fig. 6*).

Claim 24

Contois teaches the software program is an electronic commerce shopping application, the first media stream and the second media stream reference a single media stream, the single media stream being an image stream of products for sale (*col. 13, lines 51-57*).

Independent claim 27

It is directed to a computer program product for performing the method of claim 1 above, and is similarly rejected under the same rationale.

Claim 28

It includes the same limitations as in claim 2 above, and is similarly rejected under the same rationale.

Independent claim 34

The rejection of independent claim 25 above is incorporated herein in full.

Claims 30-36 and 39-42

They include the same limitations as in claims 4-10 and 13-16 above, and are similarly rejected under the same rationale.

Claims 44-49

They include the same limitations as in claims 18-23 above, and are similarly rejected under the same rationale.

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Independent claim 51

It is directed to a computer program product for performing the method of claim 25 above, and is similarly rejected under the same rationale.

Claim 52

It includes the same limitations as in claim 26 above, and is similarly rejected under the same rationale.

Independent claim 53

It is directed to a computer program product for performing the method of claim 25 above, and is similarly rejected under the same rationale.

Claim 54

It includes the same limitations as in claim 26 above, and is similarly rejected under the same rationale.

Allowable Subject Matter

6. Claims 12, 38, and 55-56 are allowable over the prior art of record.

Response to Arguments

7. Applicants' arguments filed 08/05/2005 have been fully considered but they are not persuasive.

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In the remarks, Applicant argued in substance that (a) the Arons cannot be combined with Contois and motivation or suggestion to make the proposed modification is lacking; and (b) the combination of the cited references does not teach or suggest the method of *amended independent claim 1*.

Examiner respectfully traverses Applicant's remarks.

As to point (a), the motivation for combination of the cited references was provided in the previous office action.

As to point (b), the limitations added to independent claim 1 and independent claims 17, 25, 27, 43, 51, 53 are met by the combination of Contois and Yang as detailed in the rejection above.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Eggen et al. U.S. Patent No. 5,995,094 issued: Nov. 30, 1999

Bretschneider et al. U.S. Patent No. 6,008,807 issued: Dec. 28, 1999

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maikhanh Nguyen whose telephone number is (571) 272-4093. The examiner can normally be reached on Monday - Friday from 9:00am – 5:30 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on (571) 272-4136.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MN

William S. Bashore
WILLIAM BASHORE
PRIMARY EXAMINER
10/16/2005